

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated November 19, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-3 and 6-8 stand for consideration in this application, wherein claims 10, 11, and 13-19 are being canceled without prejudice or disclaimer, while claim 1 is being amended.

All amendments to the application are fully supported therein, including page 25, line 18 – page 27, line 10 of the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

35 U.S.C. §103(a) Rejection

Claims 1-3, 6-8, 10-11, and 13-19 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Neuman et al. (U.S. Pub. No. 2002/0162026) in view of Reed et al. (U.S. Pub. No. 2003/0035371). As mentioned above, claims 10, 11 and 13-19 are being canceled, and therefore, the rejection of claims 10-11 and 13-19 is moot. Applicants respectfully traverse the rejection of claims 1-3 and 6-8 for the reasons set forth below.

Claim 1

A traffic control computing device as recited in claim 1 comprises a traffic control interface, a traffic control request interface, a first storage device, a traffic control computing unit, a second storage device, and a traffic control computing management interface. In the first storage device, information about traffic control received via the traffic control request interface and a traffic control method list are stored. The traffic control method list includes a list of processes currently executed by each of the traffic control devices. In a second storage device, capabilities of the traffic control devices are stored. The traffic control computing unit computes traffic control algorithms based on traffic control requests received from said traffic control request detecting devices and stored in the first storage device and the capabilities of the traffic control devices stored in the second storage device, overwrites the traffic control method list stored in the first storage device based on the traffic control

algorithms, and sends traffic control information based on the overwritten traffic control method list to the traffic control device. These features enable optimization of a traffic control method so as to maximize the transfer capability of the network. (See page 25, lines 18-20 of the specification.)

Where a plurality of traffic control devices exist in a network, control requests from the traffic control devices may conflict with each other. In such an event, the traffic control computing device as recited in claim 1 can coordinate the control requests issued from the network control devices so that the whole network control equipment will operate consistently without being affected by the conflict. Also, the traffic control computing device as recited in claim 1 can process the traffic control requests issued from a plurality of devices comprehensively. Accordingly, affinity between different traffic control techniques can be achieved. (See page 9, lines 1-13 of the specification.)

In contrast, Neuman does not show or suggest a second storage device storing capabilities of the traffic control devices, and a traffic control computing unit computing traffic control algorithms based on traffic control requests received from said traffic control request detecting devices and stored in the first storage device and the capabilities of the traffic control devices stored in the second storage device, overwriting the traffic control method list stored in the first storage device based on the traffic control algorithms, and sending traffic control information based on the overwritten traffic control method list to the traffic control device.

The secondary reference of Reed merely shows a congestion free switching system which handles quality and type of service, multicasting, and trucking. (See paragraph [0047].) Reed fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Neuman. Indeed, Reed says nothing about optimizing a traffic control method so as to maximize the transfer capability of the network:

Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claim 1 by modifying Neuman in view of Reed. Accordingly, claim 1 is not obvious in view of all the prior art cited.

Claims 2-3, 6-8

As to dependent claims 2-3 and 6-8, the arguments set forth above with respect to independent claim 1 are equally applicable here. The corresponding base claim being allowable, claims 2-3 and 6-8 must also be allowable.

Conclusion

In light of the above-outlined Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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